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REMARKS

Claims 1, 3, 4, and 6-18 are pending. Claim 1 has been amended by introducing the limitations present in claim 5 as filed. Claim 5 has been cancelled. Support for this amendment is found, for example, on page 4, 20<sup>th</sup> and 21<sup>st</sup> lines. No new matter is introduced hereby.

Rejection Under 35 U.S.C. §102 (b) Over Mehta (United States Patent No. 4,800,087)

Claims 1, 4, 7, 8, 11-14, 16 and 18 have been rejected as anticipated by Mehta. Applicants respectfully traverse the rejection for the following reasons.

Mehta discloses coating compositions for taste-masking. The Examiner has pointed to the Abstract for disclosure of "a formulation comprising a coated core where the coating comprises film-forming polymers and swellable polymers." (Office Action, page 2). The Abstract of Mehta does not appear to contain this particular disclosure. However, col. 4, lines 24-63 of Mehta discloses that "[a] preferred coating composition is a mixture comprised of at least 5% of a high-temperature film forming polymer and about 5% of a low temperature film forming polymer based on the total weight of polymer in the microcapsule coating." (col. 4, lines 24-27). There does not appear to be disclosure of a film-forming polymer with a swellable polymer in combination, as required by the applicants' present invention. The disclosure of Mehta and the examples of Mehta are rather clearly directed to combinations of various film-forming polymers (see for example, col. 5, lines 33-35 ("[a]ny of the above described high temperature film forming polymers may be used alone or in combination for microencapsulation,"), or col. 5, lines 49-52 ("[a]lternatively, a low temperature film forming polymer characterized as a soft, plasticizer-like polymer may be used alone, or in combination with any of the above-described "hard" polymers..."). In particular, Mehta touts the combination of a mixture of "the copolymer of methacrylic acid and methacrylate... and the copolymer of (meth)acrylic acid ester..." (col. 6, lines 17-19), for which surprising results are claimed.

There does not appear to be any disclosure of the coating composition including the combination in applicants' claims as presented, i.e., "a film-forming material

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comprising methacrylic acid copolymers, polymethacrylate-methylmethacrylate copolymers, methyl cellulose, hydroxyalkylcelluloses or mixtures thereof, in combination with a high-viscosity swellable polymer." (claim 1, emphasis added).

The Examiner is respectfully requested to reconsider and withdraw the rejection.

Rejection Under 35 U.S.C. §102 (b) Over Dunn (United States Patent No. 5,681,581)

Claims 1, 4, 6-8, 11-14, 16 and 18 have been rejected as anticipated by Dunn. Applicants respectfully traverse the rejection for the following reasons.

Dunn discloses particular coatings, including "one or more acid resistant polymers" (col. 6, lines 50-55), which are listed in col. 6, lines 58-63. It is noted that "additionally, one or more hydrophobic and non-acid resistant agents may be used alone or in combination with one or more acid resistant polymers... which agents include ethyl cellulose, zein, and certain methacrylate copolymers." (col. 6, lines 63-67). There is no apparent disclosure of the coating composition including the combination in applicants' claims as presented, i.e., "a film-forming material comprising methacrylic acid copolymers, polymethacrylate-methylmethacrylate copolymers, methyl cellulose, hydroxyalkylcelluloses or mixtures thereof, in combination with a high-viscosity swellable polymer." (claim 1, emphasis added). In particular, there is no disclosure of the use of a high-viscosity swellable polymer "wherein the swellable polymer is present from 0.1 to 20% w/w of the dry weight of film forming polymer" (claim 1).

The Examiner is respectfully requested to reconsider and withdraw the rejection.

Rejection Under 35 U.S.C. §103 (a) Over Mehta

Claims 3, 5, 9, 10, 15 and 17 have been rejected as obvious over Mehta. Applicants respectfully traverse the rejection for the following reasons.

The Examiner points out that Mehta "discloses coated particles where the coating comprises multiple polymers." While the Examiner is correct that Mehta is drawn to combinations of what Mehta refers to as "high temperature film forming polymer" and

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"low temperature film forming polymer," there is no suggestion in Mehta of combining a film forming polymer comprising methacrylic acid copolymers, polymethacrylate-methylmethacrylate copolymers, methyl cellulose, hydroxyalkylcelluloses or mixtures thereof, with a high viscosity swellable polymer, as claimed by applicants. Thus, a *prima facie* case of obviousness is not made out in this case.

Applicants thus respectfully request reconsideration and withdrawal of the rejection.

#### CONCLUSION

The claims are believed to be patentably distinct from the cited references, and with this in mind, Applicants respectfully request a Notice of Allowance at the earliest opportunity.

Respectfully submitted,

  
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